THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No28333 of 1996

Dated 02-02-2007

Between:
K.P.Goutham & others.

..... PETITIONERS

AND

Govt. of A.P. rep. By its Principal Secretary to Govt. Agriculture & Cooperation Department, Secretariat Buildings, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.28333 of 1996

O R D E R:

The claim of the petitioners, in this writ petition, is for parity of pay scales similar to that paid to the shift operators with diploma qualification.

The petitioners are all I.T.I. certificate holders. It is the specific case of the petitioners that since they and the diploma holders discharge similar type of work, the artificial differentiation in pay scales between I.T.I certificate holders on the one hand and diploma holders on the other is arbitrary, discriminatory, and violative of Articles 14, 16 and 39-D of the Constitution of India.

In the counter affidavit filed on behalf of the second respondent-Corporation, it is admitted that the petitioners, I.T.I. certificate holders and the diploma holders discharge similar type of work. Even in the counter affidavit filed on behalf of the Government by the Assistant Secretary in the Agriculture Department, all that is stated is that it is the Finance Department, which had rejected the claim for extending the benefit of the parity in scales of pay.

In the impugned order dated 28-10-1995 addressed by the first respondent to the second respondent, it is stated that since the shift operators with diploma qualification were assigned the pay scales of Rs.1100-2050 and the shift operators with I.T.I. qualifications were assigned the pay scales of Rs.910-1625, the shift operators with I.T.I. qualification were not entitled to be assigned the pay scales of Rs.1010-1800. No reasons are assigned as to why there should not be parity in treatment especially in the light of the specific averment in the counter affidavit of the second respondent that both the diploma holders and the I.T.I. certificate holders are discharging similar type of work. In the absence of any reasons being furnished as to why parity of treatment should not be accorded, the action of the respondents in denying extension of the said benefit to the

petitioners must be held to be illegal. The impugned order dated 28-10-1995 is quashed and the first respondent is directed to pass a reasoned order and communicate the same, both to the second respondent and to the petitioners herein, within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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02-02-2007

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